

March 22, 2018



Talbot County Planning Commission
Final Decision Summary

Wednesday, November 1, 2017 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

Attendance:

Commission Members:

William Boicourt, Chairman
John N. Fischer, Jr., Vice Chairman
Michael Sullivan
Paul Spies
Phillip "Chip" Councill

Staff:

Mary Kay Verdery, Planning Officer
Brennan Tarleton, Planner I
Elisa Deflaux, Environmental Planner
Martin Sokolich, Senior Planner
Ray Clarke, County Engineer
Mike Mertaugh, Assistant County Engineer
Mary O'Donnell, Assistant County Attorney
Carole Sellman, Recording Secretary

1. Call to Order—Commissioner Boicourt called the meeting to order at 9:00 a.m.

2. Decision Summary Review—October 4, 2017—The Commission noted the following corrections to the draft decision summary:

- a. Line 267, correct second sentence to read: "He pointed out that zoning in the NextStep 190 is recommended at one residence per acre."
- b. Line 280, correct the first two lines to read: "Commissioner Spies stated they have been down this road before. It is important that we use uniform criteria when dealing with all properties in the mapping process."
- c. Line 439, correct to read: "He does not quite understand how they judge whether or not the channels would be conducting water from the whole property."
- d. Line 460, the word "improve" should be "approve".
- e. Line 548, correct to read as follows: "Commissioner Spies stated that he is concerned. He wants to be very careful that they don't allow the process to supersede the current zoning regulations." Delete the rest to "they want."
- f. Line 554, strike the words "Trying to" and insert "But in general understanding what the village wants is very hard to do", so that it reads: "But in general understanding what a village wants is very hard to do."
- g. Line 668, punctuation after that should be a semicolon (;).
- h. Line 718, correct to read: "Commissioner Fischer asked what was the stimulus at this time?"
- i. Line 805, strike words "such as property".
- j. Line 1115, insert a period after cash: "Commissioner Fischer stated that real time enforcement is going to require cash. You are going to need somebody who can respond."

- 54 k. Line 1117, correct to read: “Commissioner Spies stated if an entire community
55 does not want a short term rental in their community and all of a sudden there is
56 one, it is going to be an issue whether it is a real issue or not.
- 57 l. Line 1195, correct to read as follows: “Commissioner Fischer questioned if that
58 means we want them to be able to pass the plan as it stands. The diagrams in the
59 blue corridor showed: will they have to be passed or just the language?”
- 60 m. Line 1197, correct to read: Commissioner Fischer thinks the Town and the State
61 made a mistake showing us those diagrams. He thinks the diagrams are
62 inconsistent with Easton and the Eastern Shore.
- 63 n. Line 1205, correct to read: “Commissioner Fischer stated that the only card we
64 really have is the land.”
- 65 o. Line 1208, strike that line.
- 66 p. Line 1218, Commissioner Fischer stated that the deadline of December or January
67 is to adopt something. We hope it doesn’t include the blue corridor.”
- 68 q. Line 1226, insert the word solar so that it reads: “Ms. Verdery has been asked to
69 sit on the solar panel because of the legislation our County drafted.
70

71 **Commissioner Councill moved to approve the draft Planning Commission**
72 **Decision Summary for October 4, 2017, as amended. Commissioner Sullivan**
73 **seconded the motion. The motion carried unanimously.**
74

75 3. Old Business

- 76
- 77 a. Recommendation to County Council—Village Boundary Maps (Bozman, Claiborne,
78 Cordova, Copperville, Longwoods, McDaniel, Newcomb, Royal Oak, Skipton, Tunis
79 Mills, Wittman, Williamsburg and Wye Mills)

80

81 Mr. Sokolich stated the Commission at the October meeting reviewed the Village
82 boundary maps in two different formats. One showed the proposed modification to
83 village boundaries as they appear on the official zoning maps, based on Appendix A
84 of the 2016 County Comprehensive Plan. The other map set depicted proposed
85 changes in critical area designation. Map changes require approval of the Critical
86 Area Commission.
87

88 Taking Planning Commission comments into account, the Talbot County Council at
89 their October 24th meeting introduced legislation to adopt the tax maps and the
90 Critical Area LDA/IDA maps. Mr. Sokolich stated the Planning Commission must
91 transmit any additional recommendation or modification on the boundaries to the
92 Talbot County Council. Council’s public hearing on the boundary amendments is
93 scheduled for November 14th.
94

95 The villages under consideration are Bozman, Claiborne, Cordova, Copperville,
96 Longwoods, McDaniel, Newcomb, Royal Oak, Skipton, Tunis Mills, Wittman,
97 Williamsburg and Wye Mills. Village Boundary maps were discussed in several
98 public meetings and the revisions were published on the Talbot County web page and
99 provided to the Planning Commission.

100
101 In response to Commissioners review of the draft maps from October 3rd, changes
102 have been made to some of the maps to include:

- 103
- 104 1. Two areas in Claiborne were removed from the village because of their status as
105 federally owned non-tidal wetlands or State open space areas.
 - 106 2. The Wye Mills map was revised to retain the entire Nagel Farms parcel in village
107 zoning consistent with the property boundaries
 - 108 3. A request for rezoning in Longwoods will require multiple adjustments. The VC
109 boundaries were amended as requested by the property owner. The zoning
110 boundary transferring land into AC is consistent with the surrounding zoning. The
111 additional request for a parcel to be zoned LI will be considered in the next phase
112 of revisions.
 - 113 4. A request for one farm property in Royal Oak to remain entirely in the village
114 zoning district has not been revised, consistent with previous reviews during the
115 drafting of the Comprehensive Plan. The parcel is largely agricultural and features
116 sensitive wetlands at the head of a tidal creek. The property is improved with
117 residential uses and an agricultural business. The undeveloped subdivision and
118 other lands adjacent to the developed areas of the village are retained and will
119 allow an area for future development consistent with the existing village
120 character.
 - 121 5. Some village zoning boundaries are proposed to be substantially reduced,
122 retaining some development rights associated with the village along the primary
123 roadways. There were comments that the price for some agricultural land was
124 valued on development potential under village zoning. Comprehensive Plan
125 considerations favoring reduction of village boundaries included negative impacts
126 or changes to village character if developed, runoff to tidal waters, lack of
127 infrastructure, increased traffic and road conditions.

128
129 Commissioner Boicourt asked for comments.

130
131 Commissioner Fischer asked in regards to Longwoods, if a request for a parcel to
132 be zoned LI would be considered in the next phase of revisions, and if so, what is
133 next phase? Mr. Sokolich stated that village zoning would be the next phase.

134
135 Commissioner Councell stated that in the Comprehensive Plan there are a couple
136 of villages that are significantly amended, Longwoods in particular. It is not fair
137 to the property owner to take that all at once. He would like to set the stage for the
138 next Comprehensive Plan to look at that again. He said if his math is correct, the
139 village of Longwood stretches for about six miles from one end to another. He
140 does not know if that is a characteristic of a village in the County, but he thinks
141 the Zoning Maps need to reflect the Comprehensive Plan.

142
143 Commissioner Boicourt asked for public comments.

145 Jeanne Bryan, 5438 Ferry Neck Road, Royal Oak, Maryland. Ms. Bryan stated
146 she wants the Planning Commission to please consider the material financial
147 impact that the down zoning, taking of the village zoning, would cause to the
148 property value. The existing zoning has been in place for decades. She asked the
149 Commission to look at what is already there, sewer is already on the property.
150 What is the justification for taking what has been a village zoned property and
151 down grading it? Ms. Bryan said all she has heard as the reasoning is because her
152 family has decided to continue farming the land. That cannot be a justification for
153 taking material property rights and their right to utilize this land in a different
154 manner in the future. It is already surrounded by development. The State of
155 Maryland has recommended the property as an LDA for decades. Ms. Bryan
156 implored the Commission to leave the property zoning in the Village. What is the
157 justification? Why take away a what is already a developed area? Why strip the
158 zoning?

159
160 Zach Smith, Armistead, Lee, Rust & Wright on behalf of Cynthia Rickman. Mr.
161 Smith asked if the map has been revised for Longwoods for the Rickman
162 property? Mr. Sokolich stated the main change on Longwoods was Johnson
163 Logging. Mr. Smith stated that Cynthia Rickman, the owner of the property
164 located at Tax Map 10, Parcel 81, strongly objects to the taking of her property
165 out of the village boundaries. He understands this is a discussion of the Zoning
166 Map Amendment. He would ask the Commission to keep her property in the
167 village zoning and allow her to pursue the conservation easement as a more
168 equitable solution to preserve the farmland while providing financial benefit to
169 her and other similar situated properties.

170
171 Commissioner Boicourt acknowledged to Mr. Smith the receipt of the letter from
172 Mr. Smith regarding Ms. Rickman's property. Commissioner Councell asked if
173 Ms. Rickman has started the process of the easement?

174
175 Mr. Smith stated that Ms. Rickman has not been able to because the County has
176 had zoning in place for the last five years that allows only one lot to be separated
177 from a parent parcel. Under that zoning there is really no value in a conservation
178 easement. Under the VC zoning that existed before that legislative change took
179 affect the financial benefit for conservation easement would have been favorable
180 to her. Certainly if the County were to allow that zoning to once again be effective
181 and take away the temporary provision she would be very interested. Other farms
182 in that area have pursued and received conservation easements; Mr. Smith stated
183 he believed the Ziegler farm, Timberneck Farm and most recently Yorktown
184 Farm. The Yorktown Farm got in right before the legislative change took effect.
185 Ms. Rickman has not been able to pursue the conservation easement for the the
186 past five or six years. Mr. Smith stated that the IRS looks at the regulations and
187 would say under the regulations you cannot subdivide the lot.

188
189 Ms. Verdery noted to the Commission that along with the letter Mr. Smith
190 submitted she had attached two maps for reference. One is the current zoning that

shows the parcel is within the VC and the second map is the currently approved Tier Map. Ms. Verdery stated the parcel is currently zoned VC but they are hoping to amend that to be consistent with the Comprehensive Plan. The amendment would make the parcel as shown on the Tier Map, the Tier III-B area would remain in the village and the green Tier IV would be zoned AC. That is already effective as part of the Comprehensive Plan. Under the State law and County Code you can only do a small scale subdivision in Tier IV. This parcel is approximately 160 acres and ten acres are left in the village zoning, with approximately 150 acres being taken out of the village. Under AC with three plus one for twenty development rights, for that portion, they could only do up to seven new lots. They will already have more density than they have development rights. So whether they left it VC or changed it to AC they can still only do the small scale subdivision under the Tier IV. The changes in zoning in this particular case and in many of the examples that have been provided, the number of development rights is not exceeded by this change. They will only be able to preserve the number of rights they are entitled to under the zone. They are limited to the small scale subdivision of creating no more than seven lots. They could still, based on the acreage of the VC that's left, subdivide that at 1:1 in the villages so they potentially had 8-10 village lots, plus the ability to do small scale in the Tier IV. Ms. Verdery wanted to clarify this because there have been a lot of questions about these lots.

Commissioner Spies moved to recommend to the County Council to approve the Village Boundary Maps, with the included modifications, presented October 27, 2017, by Martin Sokolich, Long Range Planner. Commissioner Sullivan seconded the motion. The motion carried unanimously.

4. New Business

- a. Waiver—Lot Size—Rosenstadt, Heintze, #L1280—26325 Miles River Road, Easton, Maryland 21601, (map 33, grid 2, parcel 142, Lots 3 and 4, zoned Rural Conservation), Brett Ewing, Lane Engineering, LLC, Agent.

Mr. Tarleton presented the staff report for Jordan and Irvin Rosenstadt and Achim J. Heintze for a waiver of the lot size restrictions in the Rural Conservation (RC) zoning district that require an RC zoned lot to be either 5 acres or smaller or twenty acres or larger; as spelled out in the *Talbot County Code* §190-196 C.(2)

Staff recommendations include:

1. The applicant take all of the required steps and acquire all necessary approvals required for a Minor Revision Plat process as spelled out in the *Talbot County Code*.

Bill Stagg, Lane Engineering, appeared on behalf of Brett Ewing, before the Commission representing the Rosenstadt family, owners of Parcels 3 and 4. He

237 stated this is a plat nightmare. They are trying to return the lots to the way they
238 were platted in 1983. Subsequent to that there was a plat recorded which was not
239 signed by the owner, not approved by the Health Department, but was signed by
240 the County Engineer and the County Planner at that time and recorded. That plat
241 created Lot 4, a non-buildable lot. The previous owners do not recall why it was
242 done. After a lengthy discussion with the County Attorneys and Ms. Verdery it
243 was determined that Plat was of record. Mr. Stagg stated he and his clients
244 disagreed, but everyone did agree to correct that issue and return the lots to what
245 they once were. The lots are non-conforming relative to the less than five acre,
246 more than twenty acre requirements. Mr. Stagg stated they have submitted a
247 revision process and it is going to the Technical Advisory Committee next week.
248 The Health Department has not had the chance to re-evaluate the SDAs.

249
250 Commissioner Boicourt asked for comments from the Commission and the
251 public.

252
253 **Commissioner Fischer moved to recommend to the Planning Officer to grant**
254 **a Lot Size Waiver, Jordan and Irvin Rosenstadt and Achim J. Heintze, 26325**
255 **Miles River Road, Easton, Maryland 21601, provided compliance with staff**
256 **recommendations occurs. Commissioner Cuncell seconded the motion. The**
257 **motion carried unanimously.**
258

- 259 b. Recommendation to County Council—Resolution No. 250 – A Resolution to
260 Amend the Talbot County Comprehensive Water and Sewer Plan (“CWSP”) to
261 create a new sewer service area comprised of certain parcels of land in the
262 Villages of Bozman and Neavitt designated as “Tier III-B” in the 2016 Talbot
263 County Comprehensive Plan (“Comprehensive Plan”) and certain additional
264 parcels of land designated as “Tier III-C” in the Comprehensive Plan (collectively
265 the “Eligible Properties”); to classify and map the eligible properties as “S-1”
266 immediate priority status; to approve a capital project to extend sanitary sewer
267 service from the Region II Wastewater Treatment Plant in St. Michaels to serve
268 the eligible properties; to pursue grant funding and low-interest loans to fund the
269 project; to require owners of the eligible properties to pay connection and service
270 charges, as established from time to time, and to convey easements to the County
271 for access, maintenance, and repair of individual systems; and to establish
272 additional terms and conditions applicable to the extension of sewer to the eligible
273 properties
274

275 Mr. Mertaugh appeared on behalf of Mr. Clarke and initiated the presentation to
276 the Commission of Resolution No. 250, the Resolution to the Comprehensive
277 Water and Sewer Plan: a modification of the Comprehensive Water and Sewer
278 Plan for the extension of sewer to Bozman and Neavitt, Tier III-B properties and
279 certain Tier III-C properties along that corridor for sewer extension to promote
280 them to S-1 status. The purpose of the extension is to alleviate existing or
281 anticipated failing and underperforming septic systems. Some infill and
282 development will be allowed in those areas. There are some efforts to seek

283 modifications to Resolution 250. If there are any modifications to the Resolution
284 it would have to return to the Commission.
285

286 Commissioner Boicourt stated there was a discussion with two Planning
287 Commission members; County Council President, Jennifer Williams; a member
288 from the State Department of Planning; the State Department of Environment;
289 Bill Anderson, Head of the Public Works Advisory Board; Mary Kay Verdery,
290 Planning Officer; and members of the Staff. Most of the discussions centered on
291 the implication of Resolution 250. We can acknowledge that we know about the
292 other discussion, but the modifications have not been formulated and there is not a
293 bill yet coming from the County Council. If there is modification, the introduction
294 will be discussed, it will be discussed here at the Planning Commission, and in a
295 public hearing. This issue has big implications to the Comprehensive Plan. This is
296 Resolution 250 in front of us and we will limit the discussion to this resolution.
297

298 Ray Clarke, County Engineer arrived and appeared before the Commission. He
299 stated that Resolution No. 250 is to extend sewer in and around Neavitt and
300 Bozman and going down and around Mt. Pleasant. He stated they are requesting
301 Planning Commission find Resolution No. 250 consistent with the
302 Comprehensive Plan. The County Council will be holding a work session to
303 consider amending Resolution No. 250. Potentially Resolution No. 250 could
304 come back to the Planning Commission in December.
305

306 Commissioner Boicourt stated he pointed out that amendments would most likely
307 be forthcoming. He wanted to offer personally to work with Mr. Clarke on the
308 amendments so that the amendments can be as close to the Comprehensive Plan
309 as possible, with the interest of getting sewer to those that need it.
310

311 Commissioner Boicourt asked for Comments.
312

313 Commissioner Spies made reference to Section 6, paragraph a, limited access
314 lines. He then asked, can you describe what are the eligible properties that satisfy
315 the criteria for connecting to the sewer lines outside the sewer service area set
316 forth in Resolution 175 (Carrolls Market policy)? Mr. Clarke stated if a lot is
317 outside the sewer service area under Resolution 175, and it abuts the line, and
318 Environmental Health has worked with them and finds there is no other option
319 except extending sewer, that is when they would extend sewer to that property.
320

321 Commissioner Sullivan asked regarding Section J. Amendment, last sentence,
322 how can the Commission recommend something when they do not know what it
323 is? Does that mean they can make changes without coming back to the Planning
324 Commission?
325

326 Mr. Clarke stated those will be policies and conditions within the Sanitary
327 District. Anything that comes outside the sewer service area will come back to the
328 Planning Commission, such as subdivisions.

329
330 Mary O'Donnell, Assistant County Attorney, stated that any substantive changes
331 or anything that would change the terms of the Resolution would need to come
332 back to be re-evaluated.
333

334 Commissioner Spies asked if the funding was being sought to cover running the
335 line for the expansion of the wastewater treatment plant. Mr. Clarke stated the
336 wastewater plant currently has 660,000 gallons of capacity and is currently at
337 330,000 gallons. He stated they have allocated for flows associated with
338 Resolution 235 which was basically for lots along Unionville Road and Maryland
339 Route 233. At this point there would be no expansion of the wastewater treatment
340 plant. Through the Maryland Department of the Environment we would be
341 seeking low interest loans to put in the main infrastructure for the pump stations
342 and/or force mains to convey the wastewater from Neavitt to the Region II
343 wastewater system. At the same time the State has also identified those improved
344 lots that would each be eligible for a \$20,000 grant. That grant would assist (as
345 long as the property owner is making less than \$300,000 per year) with the capital
346 charge for coming into the sewer system, as well as the pump and upgrades to
347 their septic system to convey the wastewater to the main pump station or main
348 system.
349

350 Commissioner Councill asked if the \$20,000 would cover the cost. Mr. Clarke
351 stated working with other property owners in the past they have advised them that
352 there could be out-of-pocket costs of \$2,000-\$5,000. In some cases there is no
353 additional cost. With a septic system, if their tank can be utilized, they will do
354 that. If they have electricity because they have a dosing pump they will use the
355 electricity. He stated they do everything they can to try and help minimize
356 additional costs, if possible. Mr. Clarke stated that in general you could be
357 looking at total costs of \$40,000-45,000 per house to get sewer to the house and
358 into the wastewater system. Commissioner Fischer asked what would be the cost
359 charged to the homeowner. Mr. Clarke said, depending on grant funding, it would
360 be about half of that covered, \$20,000 if they make less than \$300,000. The other
361 portion, if we can get grant funding it would reduce the overall. The remainder
362 can be amortized over a thirty year low interest loan.
363

364 Commissioner Fischer stated that the \$40,000-\$50,000 figure was the largest he
365 had ever heard. Mr. Clarke stated that Queen Anne's County in their recent
366 upgrade was at \$38,000. Not knowing what the economic conditions could be
367 with inflation he stated he was preparing for the worst. Commissioner Fischer
368 asked what did Queen Anne's County do to cover the \$38,000? Mr. Clark stated
369 they did not go to rural development to cover the \$38,000. He stated they are
370 seeking rural development assistance. They tend to look at income eligibility, so
371 those who are not able to pay, or have problems with paying, could get grant
372 funds.
373

Commissioner Fischer asked where the line comes across from Mt. Pleasant to the peninsula? Mr. Clarke said he believes it was Scott Lane, but he would need to verify it. But that still needs to be worked out. Commissioner Fischer asked if they had any preliminary engineering drawing showing the location of the lines? Mr. Clarke stated they do, basically they are coming down Railroad Avenue. One of the things they are currently evaluating if the connection point would be Mill Street pump station. Potentially it could go into the Mill Street pump station, come down Railroad Avenue, then down Mount Pleasant, underneath the river, then to Scott Lane and coming to Bozman Neavitt Road, running down Bozman Neavitt Road all the way to Neavitt. Commissioner Councill asked what the best case scenario is for timing of the project? Mr. Clarke stated the citizens from Neavitt would like to see 2021, but he has asked for 2022. Maryland Department of the Environment has indicated they need to get things worked out by the end of the year so they can review and approve the resolution. That will allow the County to apply for funding in 2018 so the funding will be available July 1st of 2019. If they miss this January deadline funding for the application without support from MDE, they will waste another year and funding moves into 2020. Once they get through that process they will work on preliminary engineering reports, design and bids. There will be a series of public meetings to walk the homeowners through what is happening.

Commissioner Fischer asked, if on the map they were given, the III-B and III-C locations are consistent with the Comprehensive Plan? Mr. Clarke stated the Tier III-B is the Villages of Bozman and Neavitt and the Tier III-C are those lots that are basically Rural Residential.

Commissioner Boicourt asked for public comments.

Dan Cowee, resident of Neavitt, stated a number of the residents started this and got it going. We urge you to put forth Resolution 250. He stated he knows there may be some potential modifications, but this will get them to where the pipe will get to Bozman and Neavitt. He stated he has sat through a number of the sessions with the Public Works Advisory Commission. A number of things need to be clarified, but these things can happen at a later date. We do not know if funding will be available into the immediate future.

Commissioner Councill asked what Mr. Cowee saw as the stumbling blocks to Resolution 250. Mr. Cowee said the cost per hook up and the ways to try to control that. Also if you have been down that neck there are areas of small lots. Mr. Clark is trying to tie some of those into the first go around. If they are not tied in with the first round, they will need to be later. The Commission's job is to say future development may not be in our best interest. The way to do this is through zoning. Commissioner Boicourt stated there are other mechanisms and we will see some of those possibly in the modifications. Mr. Cowee stated there are a lot of dynamics going on all the time, it will never stay the same as it was ten years ago, or fifteen years ago. The building blocks for planning in this County started

in 1953. From 1953 to 1974, and then from 1974 to 1991, there were not many changes in the zoning. There were major changes in 1989 because of Critical Area. Thirty-eight percent of the County changed to 1 per 20. Many changes have been made to try to eliminate the amount of potential population in this County.

Mark McInterff is a resident of Neavitt for the past fifteen years. He stated for the past fifteen years they have been talking about sewer coming to Neavitt. For the past 2-3 years they have been talking about sewer coming to Neavitt. In the last three or four years we have a petition signed by sixty people. To get sixty people we asked sixty-one. There is a strong belief that we need to have sewer in Neavitt. Mr. Clarke wrote a piece for their newsletter that said the expectation for getting done was 2021 or 2022. He states let's get this done. Every passing year in Neavitt they lose five septic systems to failure and they cannot be replaced because the lots are too small. Mr. McInterff stated they are in a relatively desperate position. Five years they can live with this situation, but any more than that the village is going to suffer considerably.

Ms. Verdery stated each of the Commissioners were provided a packet of papers that start with the 2016 Comprehensive Plan. That is the section of the Comprehensive Plan that relates to the tier maps and the tier legislation. She stated they were also provided with State guidelines for consistency, the general requirements and PFA consistency. Ms. Verdery stated the Commission's role today was to determine if Resolution 250 was consistent with the Comprehensive Plan.

Commissioner Councill stated they had heard from Mr. Clarke that he felt it is consistent with the Comprehensive Plan.

Ms. Verdery stated that Resolution 250, as drafted, includes the Tier III-B and Tier III-C parcels only, which are areas that are designed for sewer service by the Comprehensive Plan. They were specifically given that criteria for the ability of sewer.

Commissioner Councill recommended Resolution No. 250 to the County Council and finds that Resolution No. 250 is consistent with the Comprehensive Plan. Commissioner Fischer seconded the motion. The motion carried unanimously.

Commissioner Councill asked that if the amendments are made, will that give the Commission the ability to meet the timeline. Commissioner Boicourt stated the Commission is willing to work to try to help meet Mr. Clark's timeline. Mr. Clarke stated the Council wants to have a work session on the 20th of November. Once the work session happens, any options to change or modify Resolution 250 would then be discussed. The Council would then have to introduce the Amendment at their November 28th meeting. That would then have to go to a public hearing. Prior to that public hearing it would have to come back to the

466 Planning Commission to find consistency with the Comprehensive Plan. The
467 question would then be if the Council could take it to a third reader and then vote
468 on it.

469
470 Commissioner Spies asked if once this is passed and you are designated an S1
471 property and you do not have a failing septic system, does it mandate that you get
472 hooked up? Mr. Clarke stated it will depend upon the funding agency. Rural
473 Development is very clear that there is a requirement that you hook up. We do not
474 make it mandatory, but usually we explain it is within their best interests.
475 Typically it is those who are looking to sell who are the first to connect, and then
476 those who want to improve their properties.

477
478 Mary O'Donnell, Assistant County Attorney, stated they need to review the
479 "mandatory" "non-mandatory" requirements. There are ways to schedule the time
480 when it happens. On sale, on transfers so that it has less of a financial effect.
481 There may be a legal issue here that requires mandatory timings. If it is a required
482 to be mandatory it can be controlled to have less impacts on property owners.

483
484 Mr. Clarke said that once you are in the S1 area and you had not connected you
485 would be required to connect once the system has failed.

486
487 Commissioner Fischer asked if the County Council will consider Resolution 250
488 before the work session? Mr. Clarke said it was eligible for vote at their next
489 meeting. Ms. Verdery stated her only concern is that if they want to make
490 amendments at the November 20th meeting it would be too late to advertise for the
491 December 7th meeting. Do we want to put something on our agenda not knowing
492 if this is something the Council wants to consider? Do we want to have a special
493 meeting in December? Commissioners Boicourt and Fischer asked Ms. Verdery
494 to keep the Commission informed.

495
496 Commissioner Spies stated he agrees that Resolution 250 is consistent with the
497 Comprehensive Plan and time is of the essence. The cost to individual
498 homeowners makes him nervous. When you talk about a family, to many people
499 it is not that big a deal, but when you are in an S1 and you say it is \$20,000 to
500 hook up it can be a big deal. He stated if that funding is not available he hopes not
501 to make an entire community available for \$20,000 to \$40,000. That would be an
502 uncomfortable thing for him to get behind. Mr. Clarke stated that MDE will
503 allocate so much money per year for the County for upgrading septic systems,
504 roughly \$900,000 to \$1,000,000. They have done this up in Kent Island. What
505 they did was establish a loan within the SRF and provided the funding through the
506 SRF. That provides the \$20,000 grant for the property.

507
508 Commissioner Boicourt stated if it could be pushed off until the sale of the
509 property that would be preferable. Commissioner Spies stated he sees for
510 example, a situation of a homeowner who has lived there for fifty years and has a
511 system which is not failing and does not see a need to replace the system. Then

the funds aren't available and they have to pay money for something they do not have a problem with. Mr. Clarke stated they have identified a need of certain systems and they know there are some financial concerns which opens the door for rural development. There is funding for rural development and he has worked with rural development in the past. It is a mandatory requirement that you have to hook up for that area. Ms. Verdery stated it is low interest over thirty years so you are not paying a lump sum out-of-pocket. Commissioner Spies stated if the funding is there it is great to move forward, he wants to make sure the Resolution is tied to the funding. Mr. Clarke stated to alleviate some of the concerns, the State does assess \$60 per year for the Bay restoration funds. The State says by 2018 it will have updated all the major wastewater systems, thus additional funding sources will be available.

Commissioner Fischer said we have been working on Resolution 250 for a long time. This has been an issue we have been trying to solve for a long time and this Resolution solves that.

5. Discussions Items

Ms. Verdery stated there is a Maryland Planning Commission Association Conference, Thursday November 3rd and Friday, November 4th at the Tidewater Inn. On Thursday there will be training for the Open Meetings Act. There will be a tour of Easton Point and the Hill. On Friday there will be sessions on Sign Ordinances, Making Sense of State Planning, the Comprehensive Plan and You, Nuts and Bolts about Planning Commission and Board of Appeals and the Steps Through the Development Process. In the afternoon there will be a Wind and Solar Energy Round Table and a Round Table for Annexations. Ms. Verdery will be on the Round Table for Solar.

Ms. Verdery stated that this Wednesday evening there will be a Town of Easton Meeting associated with the Comprehensive Plan Amendment including the Small Area Plan for the Easton Point Area. The meeting will be at the Town Chambers at 7:00 pm with the Town's Planning Commission.

Ms. O'Donnell wanted to make the Commission aware that they are asking Council to pass the five year waiver legislation before the end of the year to comply with the timing of their legislation. Ms. Verdery stated the Commission has made a recommendation once, but the Town has made further amendments so it has to come back before the Commission.

Mr. Sokolich stated the other half of the village zoning question is, what will apply zoning in all of the villages once adopted. In order to try to explain the new system to all of the residents we are scheduling meetings in November and December. We actually have a piece of draft legislation now so people can get some concrete answers to their questions. We are doing everything we can to get the word out. There is a mailing going out to all of the residents of all of the villages. The first meeting is scheduled for November 8th. On evenings and weekends we are going to have the individual meetings

starting with Neavitt on the 8th, then Bruceville on the 9th. All of these meetings are posted on the County's website under the NextStep190 page, with the locations and times. The basic information from the draft plan is posted.

Commissioner Boicourt asked if Mr. Sokolich is coming into the meeting with a suggestion for each village designation?

Mr. Sokolich stated they did not want to come on too strong. They did not want the people thinking we wanted to put them into a box. He said they have to explain the zoning and what they will be able to do or not do in their community. Unfortunately the one big question, short term rentals, is not going to be covered during this process. It will be covered under another part of the ordinance. But there will be such questions as whether they will be able to run a home based business, or will we be able to avoid having a Wawa? We will be taking the opportunity to get peoples comments on the possible designations.

Ms. Verdery stated the last time we were in the villages was prior to the adoption of the Comprehensive Plan and prior to the drafts we have of the NextStep190 Zoning Ordinance. We now have a better definition of what village residential, village hamlet, village mixed is, by definition. We now have some draft language that supports what those land uses are, so it is a better opportunity for us to say your village fits within here, or you tell us why it doesn't. We have better, more definitive boundaries to present the best zoning for the villages. Commissioner Boicourt stated he can appreciate when someone is more concerned about maintaining commercial versus someone who does not want commercial at all.

6. Staff Matters

7. WorkSessions

- a. A work session was held for NextStep 190 Modules 1 and 2 (recording available upon request).

8. Commission Matters

9. Adjournment—Commissioner Boicourt adjourned the meeting at 10:28 a.m.